IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Appl. No. 949 of 2005

1. **Smt. Manju Rawat**
   W/o Sri Shishupal Singh Rawat
   Distributor, Shiva Gas Service
   Satpuli, Pauri Garhwal
2. **Dinesh Chand Juyal @ Deenu**
   S/o Om Prakash Juyal
   R/o Village Malana, P.O. Hosava
   Tehsil Lansdowne
   Pauri Garhwal. ….Applicants

Vs.

1. **State of Uttaranchal**
2. **Girish Chand S/o Late Sri Moti Lal**
   R/o Bhainskot P.O. Bugani
   At present Lansdowne has service Satpuli
   District-Pauri Garhwal ….Opposite Parties

Shri L.K. Tiwari, learned counsel for the applicants.
Learned Government Advocate for the State.

Hon'ble Prafulla C. Pant, J.

1. This is application, moved under Section 482 of Code of Criminal Procedure, 1973 for quashing the proceedings in Criminal Case No. 692 of 2005, State Vs. Smt. Manju Rawat & others under Section 392, 506, of I.P.C and 3/10 of S.C. S.T. (prevention of Attrocities) Act, pending before Chief Judicial Magistrate, Dehradun.

2. Heard learned counsel for the applicant and learned A.G.A.

3. This Court is of the view that it is not just and proper on the part of this Court to appreciate the half baked evidence to come to conclusion whether the petitioners have been falsely implicated or not. I do not find any reason to quash the impugned proceedings. It is for the trial court to see if the offences are made out or not. The petitioners shall be at liberty

to raise the pleas in defense which are open to them and also pleaded in this petition.

4. With these observations, the petition under Section 482 of Code of Criminal Procedure, 1973 is dismissed. However, it is directed that if the petitioners surrender before the court concerned and move the bail application the same shall be heard without unnecessary delay.

(Prafulla C. Pant, J.)

Dt: 22.12.2005
Sweta